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Attorney Docket No.: 20363-021



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Korsmeyer, et al.

SERIAL NUMBER: 10/658,028

EXAMINER : Susan N. Ungar

FILING DATE: September 9, 2003

ART UNIT : 1642

FOR: BH3 PEPTIDES AND METHOD OF USE THEREOF

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

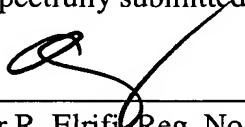
1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited References: C38-39; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 20363-021.

A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

  
Ivor R. Elrifi, Reg. No. 39,529  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
c/o MINTZ, LEVIN  
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**Customer no.: 30623**  
Tel: (617) 542-6000  
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Date: March 1, 2006

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449, as well as copies of the listed documents.

This Supplemental Information Disclosure Statement is being filed within the three months of the mailing date of the International Search Report for PCT/US03/28482, mailed December 8, 2005. Accordingly, no fee or certification is believed required. By the waiver of 37 CFR 1.98(a)(2)(i) a copy of the U.S. Published Application A1 is not submitted.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: **Korsmeyer, et al.**  
U.S.S.N.: **10/658,028**

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 20363-021.

Respectfully submitted,



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Cynthia A. Kozakiewicz, Reg. No. 42,764  
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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Application Number</b>		10/658,028	
				<b>Filing Date</b>		September 9, 2003	
				<b>First Named Inventor</b>		Korsmeyer	
				<b>Group Art Unit</b>		1642	
				<b>Examiner Name</b>		Susan N. Ungar	
				<b>Attorney Docket Number</b>		20363-021	
<b>U.S. PATENT DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>U.S. Patent Document No.</b>	<b>Issue Date</b>	<b>Name of Patentee(s) or Applicant(s)</b>	<b>Class</b>	<b>Sub Class</b>	<b>Filing Date If Appropriate</b>
<b>U.S. PUBLISHED APPLICATION DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>U.S. Published Application No.</b>	<b>Published Date</b>	<b>Name of Patentee(s) or Applicant(s)</b>	<b>Class</b>	<b>Sub Class</b>	<b>Filing Date If Appropriate</b>
	*A1	2002/0115613 A1	08/22/02	Kumar	514	12	
<b>FOREIGN PATENT DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>Foreign Patent Document Office Number</b>	<b>Name of Patentee(s) or Applicant(s)</b>		<b>Date of Publication</b>	<b>Translation Yes No</b>	
<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.</b>					
	C38	Ait-Ikhlef et al. <i>Neurosci. Lett.</i> , 199:163-166 (1995)					
	C39	International Search Report for PCT/US03/28482, mailed December 8, 2005.					

\* By the waiver of 37 CFR 1.98(a)(2)(i) a copy the U.S. Published Application A1 is not submitted.

<b>Examiner Signature</b>		<b>Date Considered</b>	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.